

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 339 be amended to read as follows:

- 1 Page 9, line 12, after "employees." insert "**A damaged or removed**
- 2 **whistle post must be repaired or replaced by the railroad not more**
- 3 **than forty-eight (48) hours after notification to the railroad of the**
- 4 **damage or removal.**".
- 5 Page 10, between lines 40 and 41, begin a new paragraph and insert:
- 6 "SECTION 5. IC 8-6-4-2 IS AMENDED TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2008]: Sec. 2. Every engineer or other person
- 8 in charge of or operating any such engine, who shall fail or neglect to
- 9 comply with the provisions of section 1 of this chapter, shall be held
- 10 personally liable therefor to the State of Indiana, in a penalty of not less
- 11 than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), to be
- 12 recovered in a civil action, at the suit of said state, in the circuit or
- 13 superior court of any county wherein such crossing may be located; and
- 14 a railroad company that violates the provisions of ~~IC 1971, 8-6-4-1(b)~~
- 15 **section 1(b) or 1(c) of this chapter** shall be held liable therefor to the
- 16 State of Indiana, in a penalty of not less than two hundred fifty dollars
- 17 (\$250) nor more than five thousand dollars (\$5,000), to be recovered
- 18 in a civil action, at the suit of said state, in the circuit or superior court
- 19 of any county wherein such crossing may be located; and the company
- 20 in whose employ such ~~engineer~~ **engineer** or person may be, as well as
- 21 the person himself, shall be liable in damages to any person, or his
- 22 representatives, who may be injured in property or person, or to any
- 23 corporation that may be injured in property, by the neglect or failure of
- 24 said engineer or other person as aforesaid."

- 1       Page 20, between lines 6 and 7, begin a new paragraph and insert:  
2       "SECTION 18. IC 34-30-2-24.4 IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 24.4. ~~IC 8-6-4-1(e)~~  
4       **IC 8-6-4-1(f)** (Concerning a railroad company and its employees for  
5       injury or property damage resulting from certain accidents).".  
6       Renumber all SECTIONS consecutively.  
      (Reference is to ESB 339 as printed February 22, 2008.)

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Representative Buck